



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/886,655

06/21/2001

Hon Wah Chin

CISCP029C1

4903

5073

7590

02/08/2005

BAKER BOTTS L.L.P.

2001 ROSS AVENUE

SUITE 600

DALLAS, TX 75201-2980

EXAMINER

PHAM, BRENDA H

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/886,655

Applicant(s)

CHIN ET AL.

Examiner

Brenda Pham

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-26 have been examined.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-26 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of U.S. Patent No. 6,314,110 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-26 of the instant application encompass the patented invention of claims 1-25 of U.S. Patent No. 6,314,110 B1.

Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1, line 8-18 and 22-24 of Patent No. 6,314,110.

Claim 2 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1, line 19-20 of Patent No. 6,314,110.

Claim 3 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 2 of Patent No. 6,314,110.

Claim 4 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of Patent No. 6,314,110.

Claim 5 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4 of Patent No. 6,314,110.

Claim 6 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 5 of Patent No. 6,314,110.

Claim 7 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 6 of Patent No. 6,314,110.

Claim 8 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 7 of Patent No. 6,314,110.

Claim 9 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 8 of Patent No. 6,314,110.

Claim 10 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 of Patent No. 6,314,110.

Claim 11 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 10 of Patent No. 6,314,110.

Claim 12 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 11 of Patent No. 6,314,110.

Claim 13 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 12 of Patent No. 6,314,110.

Claim 14 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 13 of Patent No. 6,314,110.

Claim 15 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 14 of Patent No. 6,314,110.

Claim 16 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 15 of Patent No. 6,314,110.

Claim 17 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 16 of Patent No. 6,314,110.

Claim 18 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 17 of Patent No. 6,314,110.

Claim 19 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 18 of Patent No. 6,314,110.

Claim 20 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 19 of Patent No. 6,314,110.

Claim 21 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 20 of Patent No. 6,314,110.

Claim 22 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 21 of Patent No. 6,314,110.

Art Unit: 2664

Claim 23 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 22, lines 46-58 and 61-64 of Patent No. 6,314,110.

Claim 24 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 23, line 65-67, column 14 and lines 1-9 and 11-14 of column 15 of Patent No. 6,314,110.

Claim 25 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 24, lines 14-25 and 31-34 of Patent No. 6,314,110.

Claim 26 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 24, lines 26-30 of Patent No. 6,314,110.

Conclusion

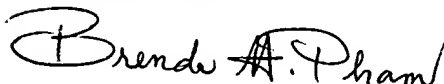
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

January 27, 2005

Brenda Pham

A handwritten signature in black ink that reads "Brenda A. Pham". The signature is written in a cursive style with a large, looped initial "B".